
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 15-Jun-2017

Subject: Planning Application 2016/92055 Erection of 109 dwellings with associated works Land to the east of Crosland Road, Lindley, Huddersfield

APPLICANT

Paul Thornton,
Persimmon Homes (West
Yorkshire)

DATE VALID

16-Jun-2016

TARGET DATE

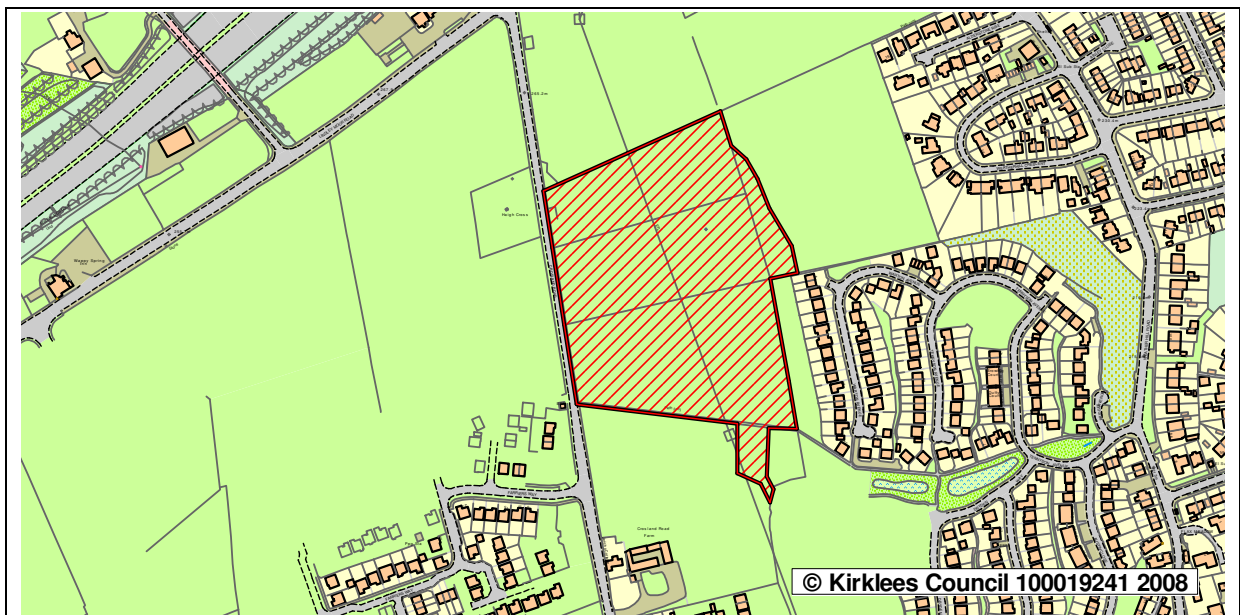
15-Sep-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Lindley.

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters (listed below) and following the expiry of the extended publicity period:

- Affordable housing (15% of total number of units);
- Education Contribution (£269,347)
- Public Open Space contribution (On site POS and contribution of £112,750 for off site equipped play provision)
- Sustainable Travel Fund £47,826
- Travel Plan Monitoring £15,000
- Bus Stop Improvements £10,000

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought to strategic committee given the scale of the development, and as the proposed development would represent a departure from the Council's Unitary Development Plan.
- 1.2 The Committee have undertaken a site visit on this proposal and Members will recall discussing the application at the previous Strategic Planning Committee as part of Position Statement Report.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of 3.96 ha, and is located on the eastern side of Crosland Road, Lindley. The site comprises 3 fields and a small parcel of land to the south which is part of the farm curtilage to the south and links to the boundary with the existing Miller Homes development - Lindley View.
- 2.2. The site is undulating with a prevailing fall from NW to SE. There are overhead power lines and pylons running north to south across the central area of the site. There are public rights of way that run along northern and southern boundaries of the site.
- 2.3. The site is bounded to the north by fields in agricultural use, to the east by the Miller Homes residential development, and an area of open land; to the south by Crosland Farm and its grounds, which include Jericho Cottage, a grade 2 listed building, and on the west on the opposite side of Crosland Road, a mixed use development comprising housing and employment, currently under construction.
- 2.4. The site is part of a much larger employment allocation (B8.1), on the Kirklees Unitary Development Plan.

PROPOSAL

- 3.1. Full permission is sought for the erection of 109 dwellings comprising a mixture of detached, semi-detached and terraced properties, predominantly 2 storey dwellings (but with a small no of 2.5 storey). The use of artificial stone and tiled roofs are proposed. Access is to be taken off Crosland Road and this serves a series of cul-de-sacs around an elongated spine of open space central to the site that runs north to south (this open space is located under the power lines). The layout has dwellings facing onto the open space area and also onto Crosland Road.
- 3.2 The layout drawing also indicates SUDS features in the open space area such as swales, particularly in the northern part of the site.

4. BACKGROUND AND HISTORY

- 4.1 Previous applications on this site and Housing allocation H8.17 are listed below:

98/992536 - Erection of 325 dwellings and garages

98/92256 - Provision of public open space and landscaping
- 4.2 Both of these were dealt with by the Secretary of State following a public inquiry and the residential appeal was dismissed on the grounds there was a supply of previously developed land for development, and as such release of the green field sites was premature.

4.3 The appeal for the open space was allowed.

2000/93276 - Outline application for employment and business use comprising industrial, commercial and storage units with ancillary facilities, road and parking- Withdrawn August 2005.

2009/92550 - Outline application for a Data campus and formation of access from Lindley Moor Road. (This is the same site as the current application) Refused.

4.4 Reason for refusal:

"The application relates solely to part of an industrial allocation, B8.1 in the Kirklees Unitary Development Plan. Footnotes specify that this allocation should be developed comprehensively with Housing allocation H8.17. As such the application is contrary to the Kirklees Unitary Development Plan."

4.5 This was the subject of appeal which was withdrawn following the approval of 2011/91518 (listed below).

4.6 2011/91518 - Outline application for Data Centre Campus with formation of access off Lindley Moor Road. Approved subject to a Section 106 agreement

4.7 2011/91519 - Full application for residential development (294 units) and associated works including the demolition of existing buildings, construction of new accesses from Cowrakes Road and Weatherhill Road, footpath, drainage, earthworks, provision of public open space and landscaping. Approved subject to a Section 106 agreement

4.8 NB Both of the above applications were considered concurrently and in relation to a comprehensive development framework. Both of the Section 106 agreements include an appropriate financial contribution towards infrastructure improvements within the area.

4.9 2014/92214 – Full application for 30 no dwellings. Approved subject to a Section 106 Agreement

4.10 2014/93136- Outline application for industrial development(class B1c, B2 and B8) Plot A-(160,000sq ft/14,846 sq m) with engineering works to form a development plateau, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B-(50,000 sq m/4,684 sq ft) unit access off Crosland Road; and Plot C detailed application for 252 dwellings with access off Crosland Road with engineering works to create underground drainage attenuation provision of open space and landscaping. Approved subject to a Section 106 Agreement

4.11 2016/92870 -Reserved Matters for the erection of industrial unit on Plot A1- Approved and currently under construction.

4.12 2016/90613- Reserved Matters application for industrial unit on Plot B- Yet to be determined.

5.0. HISTORY OF NEGOTIATIONS:

5.1 Officers have reviewed the layout and requested a number of changes to improve the layout. The outcome of these negotiations will be reported in the update.

5.2 Additional noise assessment has been carried out regarding the proximity of the housing to the neighbouring industrial allocation; and the Air Quality Assessment has been updated in line with the Leeds City Region guidance the West Yorkshire Low Emissions Strategy.

5.3 Discussion/ negotiation regarding the sites viability have been undertaken, and an affordable housing offer of 15% (ie 16 no units) has been tabled, by the applicant.

6.0. RELEVANT POLICY

6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Development Plan:

6.3 Site allocation:

6.4 The site is allocated for business in the UDP, general industry and storage and distribution use (allocation B8.1) whilst the southern and eastern parts are allocated as buffer zone to the employment allocation. (Policy B3).

6.5 Allocation B8.1 is subject to a series of footnotes:

6.6 Footnote 6 - In order to assess the traffic effect of the allocation, further detailed work (including, where appropriate, analysis of a traffic impact assessment) will need to be undertaken by the Highways Agency to ensure that traffic can be accommodated satisfactorily on the trunk road network. Where this is not possible, but could become so by remedial highway improvements, the Highway Agency will seek the attachment of appropriate

planning conditions relating to the commencement or occupancy of the development prior to the carrying out of such improvements. Where remedial works prove not to be feasible or agreement as their scale cannot be reached with the developer, the Highways Agency might have to direct refusal of the planning application, or if before the Secretary of State object to the proposal.

- 6.7 Footnote 9 - The maximum acceptable proportion of B8 floorspace shall be 20%.
- 6.8 Footnote 10 - The site shall be developed comprehensively with site H8.17.

UDP policies:

- B1 – Employment needs of the district
- B3 – Buffer zones
- BE1 – Design principles
- BE2 – Quality of design
- BE9 – Archaeological value
- BE10 – Archaeological evaluation
- BE12 – Space about buildings
- BE23 – Crime prevention
- D6 – Green corridors
- T10 – Highway safety
- T14 – Safeguarding existing pedestrian routes
- T16 – Providing safe and attractive pedestrian routes within new development,
- T17 – Developments to meet the needs of cyclists
- T19 – Parking standards
- G6 – Land contamination
- H1 – Housing needs of the district
- H10 – Affordable housing
- H12 – Arrangements for securing affordable housing
- H18 – Provision of open space
- EP6 – Noise generating development
- EP11 – Ecological landscaping
- EP12 – Overhead power lines
- EP4 – Noise sensitive development

National Policies and Guidance:

- 6.9 National Planning Policy Framework;
 - Part 1 - Building a strong competitive economy;
 - Part 2 - Ensuring the vitality of town centres
 - Part 4 - Promoting sustainable transport;
 - Part 6 - Delivering a wide choice of high quality homes
 - Part 7 - Promoting good design
 - Part 8 - Promoting healthy communities
 - Part 10 - Meeting the challenge of climate change, flooding and coastal change.
 - Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

6.10 Other Policy Considerations:

- 6.11 Supplementary Planning Document 2 - Affordable Housing
- 6.12 KMC Policy Guidance "Providing for Education Needs Generated by New Developments".
- 6.13 Manual for Streets
- 6.14 Emerging Local Plan- Site allocated as Mixed Use (Employment and Residential)
- 6.15 Interim Affordable Housing Policy
- 6.16 A Sense of Space; Design guidelines for development near high voltage overhead lines.

7.0 PUBLIC/LOCAL RESPONSE:

7.1. REPRESENTATIONS

- 7.2 This application has been publicised by site notices, neighbour letters and advertisement in the local newspaper. The proposal has been advertised as a departure. 15 letters of representation have been received, the main points of concern being:

1.This former semi- rural area is being rapidly destroyed by new development, and this development has had and will continue to have an adverse effect on the lives of local people.

2. Flooding has got worse in the area since development at Lindley Moor commenced (eg muddy water and dangerous conditions on Crosland Road).

3. The local highway network cannot cope with an additional 109 dwellings

4.The proposal will have an adverse effect on the already stretched infrastructure in the area ie there are insufficient school places and it is difficult to get an appointment with a GP.

5. No new housing in the area should be built without there being a new school.

6. the balance of the site is for 3 and 4 bed housing showing little regard for the provision of affordable housing or enabling young people to get on the housing ladder.

7 The POS is located under the power lines. This must not be regarded as quality or usable open space.

8. This site is earmarked for employment use.

7.3 Lindley Moor Action Group

LMAG have produced a lengthy report detailing objections to the scheme. This report was given to Members at the site visit which was undertaken, and has been posted on the website. The Conclusions and summary are given below;

8. Conclusions

- 1. The requested change of use to make houses instead of employment would be a detrimental material departure from the UDP, so there must be a presumption of refusal.*
- 2. The highways network is unable to accommodate the development for lack of capacity (particularly the Halifax Road corridor) and no credible improvements have been identified. Congestive failure of the roads is a material consideration for refusal.*
- 3. The proposal would make worse the long-standing health problem of air pollution in both A629 and A643 corridors. Kirklees has committed to be compliant with national air quality standards by 2020, and is conducting detailed assessment likely to result in the declaration of AQMA's. In the interim, any traffic generating local development should be refused until a credible and sustainable remedial plan of controls and measures can be introduced. The public health hazard is a material consideration for refusal.*
- 4. The scheme proffered is a dangerous, wasteful and unsustainable proposal. Re-design would be required to bury the power cables and provide affordable properties. This would resolve the safety hazard intrinsically and increase development viability (minimum 40 dwellings/hectare) for more sustainable use of land. Even were housing considered, the unsafe and unsustainable design would be material grounds for refusal.*

9. Summary

The brave new world of the 1992 draft UDP promised 2000 permanent jobs for local people on strategic land allocated for employment as bed-rock industrial regeneration.

Contrast the 2016 agenda of easy pickings from an unsustainable greenfield housing bonanza. No jobs, no affordable houses for locals, commuters choking our air and roads, and precious green fields transformed to dormitory wasteland.

Compelling evidence of material grounds to refuse the application has been exhibited:

- The application represents a major departure from the UDP.*
- The road network is already failing.*
- The pollution menace demands priority attention.*

Lindley Moor Action Group has confidence that Kirklees Metropolitan Council will find courage to recall their strategic mission, listen to the people, and reject this application with vigour

- 7.4 Cllr Cahal Burke:- Objects to the proposal as it will increase pressure on existing services, increase traffic, result in the further loss of open space.

There is a lack of school places in the area, and this development will exacerbate that problem.

7.5 Lindley Ward received the largest percentage share of housing development between 2007 and 2013, and there is a growing concern among residents about the scale of development in the area.

7.6 The amended plans received have been secured via the normal negotiation process, and no additional material effects have occurred on the area or neighbours as a result of this. Negotiations have also yielded an improved affordable housing offer, and additional information and clarification received regarding noise attenuation and air quality.

7.7 All of this additional information has been posted on the web site, and new site notices posted extending the publicity period for an additional 14 days, should any one wish to comment on the amendments and updated information received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Environment Agency- No objections

The Coal Authority- No objections subject to appropriate conditions.

KC Highways Development Management – No objections in principle

KC Lead Local Flood Authority- requested additional supporting information on a number of issues, including run off rates, and land and location of existing land drainage on part of the site. This information is being assembled by applicants to enable comet, suggested conditions .

Yorkshire Water Authority- Recommend conditions

8.2 Non-statutory:

KC Public Rights of Way- Identified some specific concerns regarding the layout, and the relationship to the 2 public footpaths that exist on the north and south edges of the site

KC Environmental Health Services. Recommend conditions regarding decontamination and remediation. Expressed concern at the impact the neighbouring industrial site would have on residential amenity. An additional noise report, into the effectiveness of the “buffer zone” area at the northern edge of the site, has been undertaken ,and has satisfactorily demonstrated that the provision of the buffer zone, the orientation of the dwellings and with appropriate boundary treatment the residential amenities of the dwellings will be safeguarded, as will the ability to deliver employment on the neighbouring site.

An updated Air Quality Assessment has been submitted in accordance with the West Yorkshire Low Emission Strategy.

KC Environment Unit- the site itself is of little ecological value, but it is part of a much larger development where bio diversity enhancement and green corridors have been provided, and conditioned. Biodiversity enhancement should be sought on this site, and the area coordinated with the already approved schemes

KC Conservation and Design- Generally a well considered layout. There a number of detailed comments that need addressing. Care needs to be taken on the type and quality of the treatment of the car parking areas that front onto Crosland Road.

KC Housing- There is an identified need for affordable housing in this area, and the Councils Interim policy seeks 20% of numbers of units.

KC Education Services- An Education contribution is required in this case .the required amount is £269,347.

KC Landscape and Parks- The area indicated open space is under the line of the overhead power lines, and its value of public open space is therefore lessened. An off site payment for provision of play equipment off site is appropriate, towards upgrading of existing facilities in the local area.

West Yorkshire Archaeology- Site is in proximity to the identified line of a Roman Road, a site of Archaeological importance. An Archaeological appraisal should be undertaken prior to development commencing.

9.0 MAIN ISSUES

- Principle of development
- Urban design Issues
- Bio-diversity Issues
- Heritage Issues
- Environmental Issues (Remediation, Noise, Air Quality)
- Flood Risk/ Drainage Issues
- Highways Issues

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated for business and industry on the Unitary Development Plan. The proposal for housing would therefore result in the loss of land allocated from employment purposes.

10.2. Part 1 of the National Planning Policy Framework “Building a Strong and Competitive Economy paragraphs 18-22 are material considerations and in relation to employment sites paragraph 22 states:

“ Planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site being used for that purpose.... Where there is no reasonable prospect of the site being used for the allocated employment purpose, applications for alternative uses of land and buildings should be treated on their merits having regard to the market signals and the relative needs of different land uses to support sustainable local communities.”

10.3. Paragraph 215 of the NPPF also states that due weight should be given to relevant policies according to their degree of consistency with the Framework, the greater the weight that may be given. With this regard paragraph 216 also confirms that from the date of publication, decision makers may also give weight to the relevant policies in emerging plans according to;

- The state of preparation of the emerging plan(the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies(the less significant the unresolved objections, the greater the weight that may be given);
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework(the closer the policies in the emerging plan to the policies in the Framework , the greater the weight that may be given).

10.4. The applicants have submitted information that the only viable use of this site is for a standalone residential scheme including supporting evidence from The Employment Land Review that the site has not come forward for an employment use since the UDP’s adoption in 1999. The applicant also contends that that the site is not a new strategic employment site within the Draft Local Plan and that the site is not within an Employment Protection Area (as identified within the draft Local Plan) and that the site is part of a larger employment allocation part of which has been built out as industry and has extant permissions for employment, part of the site has been granted a residential permission (currently under construction).

10.5. It is worth noting that this site, and the balance of allocation B8.1 Draft Local Plan is allocated as potential mixed use development (residential and employment).

10.6. Unlike the application 2014/93136, which was a combined application for residential and employment uses on the opposite side of Crosland Road this application is a stand-alone residential scheme, and does not make any enabling contribution towards delivering employment on the neighbouring site. As such the potential for employment use on the balance of the B8.1 (ie

to the north on the application site, and fronting onto Lindley Moo Road) must not be prejudiced by any residential development.

- 10.7. Paragraph 49 of the NPPF, presumes in favour of sustainable development, and indicates that housing policies should not be considered up to date if the Council is unable to demonstrate a 5 year supply of deliverable housing land. Currently the Council is unable to demonstrate a 5 year supply of deliverable housing land. In this respect recent appeal decisions have confirmed that given the lack of a 5 year supply the Council's housing land policies in the UDP are out of date, and this has been afforded considerable weight in allowing those appeals.
- 10.8. As such the lack of an adequate land supply in itself is a relevant and material planning consideration as is the provision of 109 additional dwellings that would help address the shortfall.

Planning Obligations

- 10.9. Given the scale of the site and numbers of dwellings involved the Council's policies regarding the provision of the following are relevant to the proposal:
- Affordable Housing;
 - Public Open Space;
 - Education Contributions
- 10.10. The Council's Interim policy on affordable housing calls for 20 % of numbers to be provided on site, on both brown and greenfield sites. ie in this case that would equate to 22 units. A Viability appraisal has been submitted and negotiations have taken place. An offer of 16 units to be affordable has been tabled by the applicants. This totals 15% of the overall numbers, and the tenure split is to be;
- 8 units affordable rental;
 - 8 units intermediate.
- 10.11. The Education Contribution required in this case would be £269,347.
- 10.12. The Provision of POS on the site as shown on the layout is satisfactory in itself, however there would be a need for an off-site payment in lieu of on site equipment of £112,750 would be required.
- 10.13. The applicants have submitted a Viability Appraisal with the application, in which they state that the provision of affordable housing on the site would render the scheme unviable, due to substantial abnormal costs.
- 10.14. In addition to the POS provision and Education Contribution the applicants have offered;
£47,826 towards sustainable transport fund; and
£15,000 towards Travel Plan monitoring
£10,000 Bus Stop improvements.

- 10.15 It is considered that this offer is acceptable and that whilst the affordable housing offer is 15%, it is a significant improvement upon the previous position of providing no units, and the 15% level is the same as has been agreed on neighbouring sites at Lindley Moor. In addition the offer for sustainable transport and travel plan monitoring has increased by approximately £10,000. It is noted that at Burn Road Harron Homes secured a planning permission with a reduced affordable housing contribution below 15% where viability was contested. As such the offer by the applicant is considered reasonable and contributes to housing delivery and the affordable housing need requirements of the District.

Urban Design Issues

- 10.17. The site is currently a number of green fields, very open in character. The site fronts onto Crosland Road, from which the principle access to the site is taken. The site is bounded to the north by a series of fields (also allocated for employment use on the UDP), and to the south by a field that comprises the curtilage of Crosland Road Farm, which whilst also being allocated for employment use on the UDP contains a Grade 2 listed building.
- 10.18. The layout comprises a total of 109 dwellings at a density of 27 per ha. This is considered to be an appropriate density for this area, and is comparable to the neighbouring developments. Also it is considered to be an efficient use of the site. The dwellings are a mixture of detached, semi-detached and terraced dwellings, and 2 and 2.5 storey in height, as such the scale of development is considered to be appropriate.
- 10.19. The principle access to the site is off Crosland Road which serves a number of cul de sacs off a central spine road which runs parallel with a central green corridor which constitutes the on-site public open space. The dwellings that are adjacent on Crosland Road are served off private drives which result in the dwellings creating a frontage street scene onto Crosland Road together with the existing retaining stone boundary wall and associated landscaping behind the boundary wall.
- 10.20. Also within the site the orientation of dwellings facing onto the open space is achieved in the majority of cases, which is considered to deliver an acceptable street scene within the site also.
- 10.21. Amended plans have been received which improve the relationship to the 2 public footpaths on the north and the south of the site. As originally submitted the schemes had dwellings backing onto these footpaths, and on the northern path the extent of open space next to the path was narrow and would have resulted in a long stretch of narrow path with no natural surveillance, and uninviting for pedestrian to use.
- 10.22. The amendments have repositioned the majority of the dwellings to have their gables facing the path, and improving natural supervision. The amount of space adjacent the footpath on the north of the site, has been increased to between 16-20m together with the improved natural surveillance which is

considered an overall improvement to the layout of the scheme. In addition the extra distance from the boundary and the reorientation of the dwellings on the northern part of the site improves the relationship and residential amenity of those houses, relative to the neighbouring employment allocation.

- 10.23. As such it is considered that the amended plans deliver an satisfactory layout, that accords with the guidance contained in Policies BE1, BE2 and the guidance contained in part 7 of the NPPF “Requiring good design”.

Bio diversity issues

- 10.24. The application site currently comprises a number of fields. An Ecological Assessment has been submitted which is considered to accurately reflect the existing site which is improved agricultural land of a limited ecological value.
- 10.25. Para graph118 of the NPPF indicates that opportunities to achieve bio diversity enhancement should be taken on new developments. This site is part of a much larger employment allocation, and neighbouring a large residential scheme.
- 10.26 There are a number of green corridors, water courses and footpath areas across the entire allocation. This is in addition to the residential approval and the hybrid approval on the opposite side of Crosland Road that have been provided as part of extant approvals that essentially result in a green framework across both the employment and residential allocations. The development of this site should contribute to that green framework in a logical manner.
- 10.27. The scheme includes a central green corridor which is underneath the power lines. 2 footpaths cross the site on the north and south boundary. The space about the northern footpath is to be improved and increased along its route to provide a better layout, but also an effective buffer zone between this residential scheme and the neighbouring employment allocation.
- 10.28. It is considered that with appropriate planting and contribution towards a Landscape Management Plan (this has consistently been applied to any approval for development on the Lindley Moor allocations) should be conditioned, and will deliver bio diversity enhancement in accordance with the guidance contained in part 11 of the National Planning Policy Framework “Conserving and enhancing the natural environment”.

Heritage Issues

- 10.29. The site is located to the north of Crosland Farm, which is a complex of buildings approx. 130 m distant from the southern boundary. This grouping contains Jagger Cottage, which is a grade 2 listed building, and as such the impact of the development on its needs to be considered.
- 10.30. The setting of the listed building is characterised, by its openness ie the surrounding open field areas. The listed building is a part of a group of

buildings, some modern that aren't listed, and these are set in a large open field, close to the back edge of the highway.

- 10.31. To the south approximately 40m from the listed building is a small residential scheme.
- 10.32. It is considered that the distance from the listed building and the open road frontage, retain the sense of openness around this listed building and do not detract from its significance. Accordingly this satisfies the tests contained in part 12 of the National Planning Policy Framework 2 Conserving and enhancing the historic environment.
- 10.33. The site is within 150 m of a Class 3 Archaeological site, on the opposite side of Crosland Road. The applicants have indicated that previous archaeological investigations in the area, are sufficient to deal with this matter, and that there is no risk to the asset.
- 10.34. It is true that there were extensive archaeological investigations undertaken on both the Peat Ponds site (opposite side of Crosland Road) and Lindley View (residential scheme off Weatherhill Road). However the investigations did not extend to this site and in view of the fact that important information was uncovered this site should be properly investigated also. To this end a pre-commencement condition is recommended by the West Yorkshire Archaeology Service, for what is referred to as an "Archaeological Watching Brief"

Environmental Issues(Remediation, Noise and Air Quality, Power Lines)

- 10.35. Remediation-The application is accompanied by a Contaminated Land report, which identifies some small areas of contamination. The decontamination and remediation of these areas can be satisfactorily dealt with via condition.
- 10.36. Noise- The issue of noise on this scheme relates to the safeguarding of residential amenity for the new dwellings in relation to their proximity to the highway and a neighbouring unrestricted employment allocation.
- 10.37 The accompanying noise report indicates that some of the dwellings that front onto Crosland Road will require noise mitigation for traffic noise, and this should be conditioned.
- 10.38 With respect to the relationship between the proposed dwellings and the neighbouring employments site, this issue has previously been dealt with by the provision of a 30m buffer zone between the employment and residential uses to offset potential conflict. The buffer zone for this application needs to be provided along the northern boundary of the site and adjacent to the footpath. The current distance is less than 30m and additional space or information is required to demonstrate that the residential amenities of the dwellings will be safeguarded and there will be not prejudice any neighbouring employment uses.

- 10.39 An additional report has been provided which specifically addresses the issue of the adequacy of the buffer zone on the northern edge of the site to both protect the residential amenity of the new dwellings, whilst maintaining the potential of the neighbouring industrial site to be developed for employment use, without onerous restrictions.
- 10.40 This has been considered by Environmental Health, who are satisfied with the conclusions. Conditions regarding the detailing of boundary treatment and acoustic fencing are recommended.
- 10.41 Air Quality- The application is accompanied by an Air Quality Statement that has been reviewed in accordance with the West Yorkshire Low Emission Strategy. The statement relates to a small scale development and the site is adjacent to an area of known poor air quality that is currently under assessment to determine air quality in the area.
- 10.42. As such additional assessment of the site on the basis of this being a Major application is required in this case. This updated report undertaking the assessment as a major development has been submitted. This includes a damage cost calculation to identify monetary value of predicted emissions from the proposal and detail the mitigation measures to control air quality impacts associated with this scheme.
- 10.43. The total predicted emissions cost over a 5 year exposure period is “£64,106. The applicants have offered financial contributions of £57,826 towards a sustainable transport fund (including bus stop improvements), and £15,000 towards travel plan monitoring ie a total of £72,826, In addition the provision of electrical charging points for the majority of these dwellings is offered (and will be conditioned). As such the value of the mitigation measures exceeds the damage costs, in line with the guidance contained in the West Yorkshire Low Emissions Strategy
- 10.44 Power lines. Policy EP 12 of the UDP indicates that the amenities of dwellings located near power lines should be considered, and the National Grid has produced its own guidance on the subject “a Sense of Space”. In dealing with the understandable concerns regarding health risk from EMF’s (electro magnetic forces), they confirm that the international scientific consensus is against them being regarded as a major public health risk, and that they oppose this matter being used to promote policies, or conditions justifying the controlling or directing of development.
- 10.45 In terms of layout and design, they support the principles of good urban design and encourage a meaningful use of the areas underneath the power lines. If houses are not be sited, underneath the power lines then it should be used for purposes to support the scheme. In this case no dwellings are sited under the power lines, and a central green wedge forms an area of open space, which also offers opportunities for SUDS drainage .Also the central spine road is sited underneath the power lines. As such there is no

justification in planning terms for resisting development on this site, because power lines cross it.

Flood Risk and Drainage

- 10.46. The site is within an area identified as being in Flood Zone 1 (ie the area of lowest risk) however given the size of the site a Flood Risk Assessment relating to surface water run-off is required and has been provided.
- 10.47. This application site is part of a larger employment allocation and adjacent to the balancing areas at the top of the Lindley View residential scheme. As such this site is in a central and pivotal location with regard to the satisfactory drainage of the entirety of both the employment and residential allocations and beyond and needs to be co-ordinated with the drainage systems already approved and in place.
- 10.48. Flood Risk and Drainage within the Council have sought additional information i to justify the drainage elements of the scheme in particular the relatively low run off levels that have been put forward by the applicant. It is consider that this information can be provided and proper justification made. This issues have been the subject of discussion with the applicants who are tabling additional information to resolve this matter.

Highways

- 10.49. Potential development at the application site was previously considered a part of a Comprehensive Framework Masterplan which proposed a quantum of residential and employment development across a number of sites at Lindley Moor. The masterplan was accompanied by a Comprehensive Transport Assessment which estimated person and vehicle trips for the whole of the development area so that the full traffic impact from all development from all masterplan sites could be assessed and appropriate mitigation measures identified.
- 10.50. As Lindley Moor has been built out the mix of development has changed from that originally envisaged in the comprehensive masterplan. The impacts too are changing with residential land uses generating a higher volume of trips and a different pattern on the network to that assessed in the Comprehensive Masterplan and accompanying Transport Assessment. As such, the traffic generated by the masterplan will eventually exceed the capacity provided by off-site highway works provided to accommodate the whole masterplan. A standard approach has been applied throughout by Kirklees Highways to all developments within the masterplan area that have come forward for determination to maintain a consistent and transparent approach.
- 10.51. The highways contributions that it is appropriate for the Persimmon scheme to make are as follows:
- i) The Masterplan Framework contribution to off-site highway works at Ainley Top and Cavalry Arms is calculated at £2,852.41 per unit = £313,765.10

ii) The contribution (calculated at 28% of total cost) to site specific highway requirements involving the signalisation of the Lindley Moor Road / Crosland Road junction = £131,839.68

iii) The applicant has also stated that he is willing to provide the following contributions to maximise the accessibility of the site by sustainable modes:

- Travel Plan monitoring : £15,000.00
- Contribution to a Sustainable Transport Fund: £47,826
- Bus Stop improvements £10,000.

10.52. The level of contributions necessary to deliver the infrastructure improvements as identified have on the basis of previous permission been achieved. The work is programmed and deliverable. As such there is a surplus of money which could be safeguarded for any future improvements needed should the balance of site deliver substantially higher levels of traffic beyond the capacity and growth levels already factored into the improvements or any savings made. However given the specified scheme (Ainley Top) have been paid for from previous developments it is not necessary in this instance to receive a contribution for this off site highway work from this application. The sustainable travel fund, travel plan and bus stop contributions however are all relevant, necessary and fairly related in scale and kind and meet the CIL test required to justified contributions.

10.53 Future development proposals for alternative uses on other allocated sites will have to be considered on their own merits and their impacts will have to be justified in the light of the evidenced submitted to support any future applications.

10.54. The internal layout is considered to be broadly satisfactory with adequate parking and servicing being provided. Amended plans have been received and these satisfactorily address these issues.

11.0 CONCLUSION

11.1 The site is part of a large allocation for employment on the UDP. Adjoining the site to the north is the balance of this employment allocation, not included within this site. Within the Emerging Local Plan the whole of the existing employment allocation is allocated as a mixed use site (ie employment and housing).

11.2. Guidance in the NPPF, indicates that Local Planning Authorities should avoid long term protection of sites unlikely to come forward for employment and consider alternative uses in such cases. It is considered unlikely that this site will come forward for employment use, and as such an alternative housing use can be considered. The delivery of housing on this part of the UDP allocation, should not, however, prejudice the delivery of employment on the remainder of the allocation to the north.

11.3. Given that the Council is unable to demonstrate a deliverable 5 year supply of housing land, the presumption in the NPPF is in favour of sustainable housing

sites, and this site is considered to be in a sustainable location. As such on balance the use of the site for housing is considered to be acceptable.

- 11.4. Negotiations have occurred regarding the viability of the site, and the level of Section 106 contributions. The updated offer now includes 15% affordable housing (ie 16 units), as well as full contributions towards POS, Education and transport contributions.
- 11.5. Amendments to the layout have been secured which resolve footpath layout and minor traffic issues, and deliver a satisfactory layout. The site is capable of being remediated, and issues of noise attenuation, provision of electric charging points and drainage can be dealt with by condition.
- 11.6. As such on balance, the scheme is considered acceptable, and approval recommended subject to the signing of a Section 106 Agreement.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

Conditions to cover the following areas.

1. 3 year Time limit for commencing conditions
- 2 Highways conditions (junction provision, provision of footpath, internal parking secured.
3. Environmental Health Conditions
 - Noise attenuation (facing onto Crosland Road, and boundary treatments on northern boundary.
 - Remediation;
 - Air Quality(provision of charging points)
4. Landscape and biodiversity management plan
5. Samples of materials / boundary treatments.
6. Drainage conditions.
7. Development to be carried out in accordance with the approved plans.

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92055>

Certificate of Ownership – Notice served on/ or Certificate A signed: